

REMARKS

The Examiner alleges that original claims 1-50 are drawn to five patentably distinct inventions and has required election of one of the following inventions under 35 U.S.C. § 121:

Group I: Claims 2-4, 12-14, 22-24, 32-34 drawn to a method for inhibiting proliferation and inducing cell death in a population of cancer cells by increasing the amount of differentiation associated protein MDA-7 using a nucleic acid encoding MDA-7, and decreasing RAS activity within the population, classified in class 5 14, subclass 44.

Group II: Claims 43 and 44, drawn to a method for identifying candidate cancer cells for treatment, classified in class 435, subclass 6.

Group III: Claim 45, drawn to a viral vector comprising a nucleic acid encoding MDA-7 protein and a nucleic acid encoding an antisense ras nucleic acid, classified in class 435, subclass 320.1.

Group IV: Claim 47, drawn to a method for inhibiting the proliferation of a cancer cell by introducing isolated MDA-7 protein, classified in class 5 14, subclass 12.

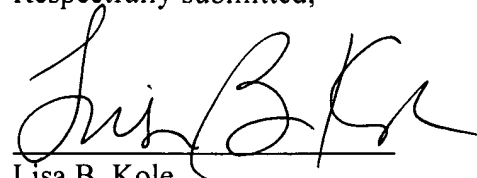
Group V: Claim 48-50, drawn to a method for inhibiting the proliferation of a cancer cell by introducing a nucleic acid encoding MDA-7 protein which gets secreted, classified in class 5 14, subclass 44.

Applicant elects without traverse to prosecute Group III, claim 45, drawn to a viral vector comprising a nucleic acid encoding MDA-7 protein and a nucleic acid encoding an antisense ras nucleic acid. This election is made without prejudice to the prosecution of non-elected groups in other patent applications.

If any additional fee is due, or if any overpayment has been made, in connection with the filing of this response, the Commissioner is authorized to charge any such fee or credit any overpayment, to our Deposit Account No. 02-4377. A duplicate copy of this paper is enclosed.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Lisa B. Kole", written over a horizontal line.

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